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TRICIA SAGOSTINO  
Clifford Chance Rogers & Wells LLP

Docket No. 5677/142

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Divisional Application of: Leo J. Romanczyk, Jr. et al.

Serial No. : 09/717,445      Group Art Unit : 1654  
Filed : 11/21/00      Examiner : C. Tate  
For : FOODS CONTAINING A COCOA POLYPHENOL ADDITIVE

Commissioner for Patents  
Washington, D.C. 20231

**AMENDMENT**

Sirs:

This is submitted in response to the Office Action mailed March 11, 2003. A response is due June 11, 2003. Applicants are responding prior to the two month deadline of May 11, 2003 so that the Examiner can issue an Advisory Action by June 11, 2003.

Claims 44, 46-55, and 59 are presented for examination.

The Examiner is thanked for the withdrawal of the §102(b) rejection of Claims 44 and 47-56 over Kashket (U.S. 4,906,480). Applicants note that the Examiner is still relying on Kashket in the §103 rejection of Claims 44 and 46.

The Examiner is thanked for the indication that Claims 47-55 and 59 would be allowable if the §112 indefiniteness rejections and obviousness-type double patenting rejections are